

REMARKS

Claims 1-39 are pending. Claims 7, 14, 19 and 25 have been withdrawn. By this Amendment, claim 31 is cancelled, claims 13, 30, 32, 33, and 36 are amended and no new claims are added.

Objections to the Drawings and Specification

The specification and drawings have been objected to by the Office purportedly because “planetary gearing” terminology is used in the specification to describe certain structures of the claimed invention, and in the opinion of the Examiner, such terminology is not appropriate. The Examiner also objects to the drawings, to the extent planetary gearing terminology is used to describe the structures depicted therein. Applicant respectfully traverses these objections.

A planetary gear train, also sometimes referred to as an epicyclic gear train, is one in which “one or more gears orbit about the central axis of the train.” “Thus, they differ from an ordinary train by having a moving axis or axes.” See Yi Zhang, Susan Finger, Stephanie Behrens, Introduction to Mechanisms, Carnegie Mellon University, at <http://www.cs.cmu.edu/~rapidproto/mechanisms/chpt7.html#HDR123>. A printout of the relevant portion from the referenced website is attached as Exhibit A to the Declaration of Bradley J. Thorson Under 37 C.F.R. § 1.132, filed with the Office on November 19, 2007, and already a part of the record of this case.

In embodiments of the claimed invention, the planet gear arm rotates about an axis that itself orbits about a central axis of the train. For example, in the embodiment of Figure 2, sun gear 174 rotates on post 142 which defines an axis of rotation for the train in relation to the housing. The rotational axis of planet gear portion 198, however is pivot pin 212 which extends through long arm 170. Long arm 170 is also pivoted on post 142 and acts as a planet carrier arm for planet gear portion 198. Thus, as sun gear 174 is rotated by worm 116, planet gear portion

198 is driven by sun gear 174 and rotates around the axis extending through pivot pin 212, which in turn rotationally translates about the axis of rotation for the train extending through post 142. Thus, these embodiments of the claimed invention are exemplary of a classic planetary gear arrangement and the terms used by Applicant in the specification are entirely appropriate. Applicant respectfully requests that the referenced objections not be included in a reissued Office Action.

Claim Rejections Under 35 U.S.C. § 112

Claims 18, 20-23 and 30-35 are said to be rejected under 35 U.S.C. § 112, first paragraph, as failing to meet the enablement requirement. As best understood by Applicant, this rejection also stems from Applicant's use of "planetary gearing terminology" in the claims. As discussed hereinabove, however, in that embodiments of the claimed invention incorporate classic planetary gearing structures, Applicant's use of such terms in the claims is appropriate. Consequently, Applicant respectfully requests that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-6, 8-13, 15-18, 20-24 and 26-39 were rejected as anticipated by Winner '913. Applicant respectfully traverses this rejection.

First, Applicant notes that the pivot pin 22 of Winner '913 has only two sections. Even if it could be considered a "bearing," pivot pin 22 does not have all of the three sections of the bearing of independent claims 1, 13, 24, 30, 36 and all claims dependent therefrom, all of which recited or have been amended to recite "a base, a generally cylindrical middle axially extending from the base and with a smaller radius than the base, an upper portion axially extending from the middle and with a smaller radius than the middle, and a shoulder defined between the middle

and the upper portion." Since Winner '913 does not disclose all of the claim limitations, it cannot anticipate or render any of these claims obvious.

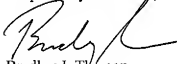
Further, regarding claims 18, 30, and all claims dependent therefrom, the device of Winner '913 does not have the claimed planet gear arm or sun gear. Since Winner '913 does not disclose all of the claim limitations, it cannot anticipate or render any of these claims obvious. Applicant respectfully requests that this rejection be withdrawn.

Further, regarding claims 10, 12, 15, 17, 20, 23, 26, 29, 30, 32-35, Winner '913 does not teach or suggest swaging the shoulder of a flanged bearing or a positioning post in a window operator assembly. Although the Examiner asserts that swaging "does not materially change the device," this is a conclusion without evidentiary support in the record and is certainly not contained in the sole applied reference (Winner '913). Accordingly, these claims cannot be rejected as anticipated or obvious over Winner '913. Should the Examiner wish to maintain a rejection of these claims, the Examiner is requested to provide proper evidentiary support in the form of a prior art reference, affidavit, or declaration, showing that swaging is a known technique in the window operator art. See MPEP 2144.03(C).

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Bradley J. Thorson
Registration No. 52,288

Application No. 10/790667

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349.5756